

27 April 1959

MEMORANDUM FOR THE FILES

SUBJECT: Public Law 893 - Internal Security Act, Amendments of 1956
[REDACTED]

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1. The Foreign Agents Registration Act of 1938 was amended in 1950 to include within the definition "agent of a foreign principal" those persons who have knowledge or who have received assignment in foreign espionage systems. The House Report goes on to state that:

"The 1950 amendment to the Foreign Agents Registration Act brought about an anomalous situation. The act is clear that registration requirements are applicable only to those persons who are currently acting as agents, hence persons with past knowledge or training in espionage are under no obligation to register if they are not presently acting as agents of foreign principals. The 1950 amendment therefore, in declaring a person an agent because of training in a foreign espionage system is unenforceable, unless the particular individual is currently acting as an agent.

"The instant bill takes away any Agency relationship or status and requires, simply, all persons to register who at any time have received training in espionage tactics."

2. It goes on to say that: "And, unlike the Foreign Agents Registration Act, the primary purpose of this legislation is aimed at uncovering the potential agent by making his knowledge of espionage or sabotage a matter of public record and thus, perhaps, preventing his becoming, at some later date, an agent engaged in subversive activities for a foreign principal."

3. Note the letter from the DCI to the Chairman, Committee on the Judiciary dated 5 May 1955 in which he states that:

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"Section 3(c) of [REDACTED] is, with some minor language changes, identical to certain divisions of section 20(a) of the Internal Security Act of 1950. The provisions of section 3(c) were originally included in the Internal Security Act of 1950 at the request of CIA in order to protect certain intelligence sources and methods in the field of foreign intelligence which I am charged by law to protect. Therefore, as section 3(c) is a reenactment of section 20(a) of the Internal Security Act of 1950, which is presently on the statute books, we are anxious to have it continue with the present bill.

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"Section 3(d) of [] has been included by the Department of Justice at our request in order to protect certain additional intelligence sources, not covered by section 3(c), by exemption of registration under the act. We consider this section to be quite important, and strongly recommend its enactment."

4. See letter from Mr. Houston to Mr. Foley (Justice) dated 14 January 1953, saying:

"At present to obtain a written determination by the Attorney General or the Director of Central Intelligence that registration would not be in the interest of national security, the determination must be based upon employment by a Government agency with responsibilities in the field of intelligence and the individual must himself have made full written disclosure which is a matter of record in the files with the employing agency.

"As you are aware, there are certain persons not employed by the United States Government and who are not in a position to make written disclosure of the required information, but who are in such a situation that requirement of registration would be seriously adverse to the national interest and security. It would seem to be within the spirit of the Act to provide for exemption also in these cases provided the Government has adequate knowledge and control of the situation."

5. The fact that there would be people excused from registration even though we did not wish to sponsor them is shown in an internal memorandum of the Office of General Counsel dated 20 February 1953, in which Mr.

[] says: 25X1A9a

25X1A9a "Miss [] did raise the question as to whether it would be necessary or advisable to spell out in the legislation that exclusion of a person under sub-paragraph (d) would not necessarily constitute sponsorship by this Agency. She indicated that although we would often desire to sponsor an individual, there might also be certain persons whom we would wish to have exempted but who might be so unstable in nature as to bring notoriety upon themselves and possibly unfavorable publicity to the Agency. This type of person we might not wish to sponsor. She also suggested that it might be advisable to emphasize to the proper Department of Justice official that we consider it paramount that this subject of exemption from registration including identity of the individuals exempted, be given the highest security."

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Assistant General Counsel

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Signer